

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID TARABOCHIA,  
Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,  
Defendant.

Case No. C05-5516RJB  
ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the court on plaintiff's filing of an application to proceed *in forma pauperis* and a petition for writ of *habeas corpus* under 28 U.S.C. § 2254. To file a petition and initiate legal proceedings, petitioner must pay a filing fee of \$5.00 or file a proper application to proceed *in forma pauperis*.

On August 1, 2005, the clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). On August 4, 2005, the clerk sent a letter to petitioner, directing him to complete the written consent required by Local Rule CR 3(b). (Dkt. #2). However, it appears petitioner did provide the required written consent form with his application. See (Dkt. #1). As such, petitioner is not required to complete and file another one.

However, pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or

1 proceeding without prepayment of fees or security therefor . . . shall submit a certified  
2 copy of the trust fund account statement (or institutional equivalent) for the prisoner for  
3 the 6-month period immediately preceding the filing of the complaint or notice of appeal,  
obtained from the appropriate official of each prison at which the prisoner is or was  
confined.

4 Plaintiff thus is required to submit a statement showing the balance and activity of his account for the six-  
5 month period immediately preceding the filing of his complaint. Here, while plaintiff did submit a copy of  
6 his account statement, that statement only covers the month of June 2005.

7 Accordingly, this court orders the following:

- 8 (1) Plaintiff shall seek to cure this deficiency by filing **no later than September 8, 2005**, a copy  
9 of his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2) showing the  
10 balance and activity of his account for the six-month period immediately preceding the filing  
11 of his petition.

12 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**  
13 **prosecute this matter and the court will recommend dismissal of this matter.**

- 14 (2) The clerk is directed to send a copy of this Order to plaintiff.

15 DATED this 8th day of August, 2005.

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19 Karen L. Strombom  
United States Magistrate Judge  
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